

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

In the Matter of the Revocation	)	<b>CONSENT ORDER OF</b>
	)	
or Suspension of the Educator	)	<b>SUSPENSION</b>
	)	
Certification of James L. Libby,	)	
	)	
Certificate 202331	)	

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on June 14, 2006. On September 13, 2005, in accordance with S.C. Code Ann. §1-23-370(c) (2004), the State Board summarily suspended the educator certificate of James L. Libby, certificate 20233. Mr. Libby was notified of the summary suspension, as well as of his right to a hearing concerning the possible suspension or revocation of his certificate, by regular and certified mail, return receipt requested, restricted delivery, on September 30, 2005. Mr. Libby received the notice, as evidenced by a postal receipt bearing his signature. Mr. Libby requested a hearing, but subsequently withdrew his request for a hearing and consented to a period of suspension of his certificate under agreed upon terms and conditions. After considering the evidence presented by the Department, the State Board voted to convert the summary suspension of Mr. Libby's certificate to a one-year suspension, retroactive to September 13, 2005, and to vacate the September 13, 2005, Order of Summary Suspension.

James L.  
Libby

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Initial here

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Date

**FINDINGS OF FACT**

Mr. Libby holds a valid South Carolina certificate and has over five years of teaching experience. During the 2004-05 school year, Mr. Libby was employed as a P.E. teacher/coach at Spring Valley High School in Richland County School District Two (District). On May 25, 2005, Mr. Libby resigned from his employment with the District following allegations that he had a physical altercation with a fifteen-year old male student.

### CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (1992). The State Board finds that there is sufficient information to establish just cause to suspend Mr. Libby's certificate for a period of one year, commencing retroactively on September 13, 2005, through September 12, 2006. The Board also finds that there is sufficient basis to vacate the Order of Summary Suspension, dated September 13, 2005. If Mr. Libby wishes to have his certificate reinstated at the conclusion of the period of suspension, he must submit written evidence of his character and fitness to the State Department of Education's Office of General Counsel.

South Carolina State Board of Education

By: /S/ Joe Isaac  
Joe Isaac, Chair

Columbia, South Carolina  
June 14, 2006

I, James L. Libby, S.C. Educator Certificate 202331, do hereby agree to this Consent Order of Suspension, consisting of two pages, and understand that this Order will be presented as signed to the State Board of Education on June 14, 2006.

/S/ James L. Libby  
James L. Libby

6/1/06  
Date